

**REMARKS-General**

1. The newly drafted independent claim 20 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 20-33 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

**Response to Rejection of Claims 1-19 under Obviousness Double Patenting**

2. The rejected claims 1-19 are deleted in this application and rewritten into the newly drafted claims 20-33 and that a terminal disclaimer herewith, in compliance with 37CFR1.321(c), to disclaim the terminal part of the statutory term of any patent granted on instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,382,787 and prior Patent No. 6,540,348, in order to overcome the rejection of the claims 1 to 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 20 of the U.S. Patent No. 6,382,787 and claims 1 to 20 of the U.S. Patent No. 6,540,348.

**Regarding to Rejection of Claims 1-19 under 35USC102**

3. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

4. In view of 35 U.S.C. 102(e), it is apparent that a person shall not be entitled to a patent when his or her invention was described in an application patent which is

published under section 122(b) by **another** filed in the United States before the invention by the applicant for patent.

5. However, the Strube patent, the Huang application and the instant invention are **not the same invention** according to the fact that the independent claims 1 and 7 of the Strube patent and the independent claims 1, 4, 8, 15 and 21 of the Huang application do not read upon the instant invention and the independent claim 1 of the instant invention does not read upon the Strube patent and the Huang application too.

6. The spectacles is such a simple article of manufacture that merely includes (i) a pair of **lenses** generally mounted on a pair of rims, (ii) a primary **bridge** connected between said two lenses, (iii) two **nose supports** attached at two inner sides of said lenses respectively, and (iv) two **side extensions** provided at two outer sides of said lenses for coupling (v) a pair of **temples** respectively. *No one will have any difficult to distinguish the bridge from the nose supports or the rims from the nose supports.*

7. The Examiner rejected claim 1 under 35USC102(e) as being clearly anticipated by Strube (6,331,057), but the Strube's patent fails to anticipate the invention of newly drafted independent claim 20 which apparently claims **two magnetic holders, each having magnetic attraction ability, which are provided at said two nose supports respectively**, and each of the magnetic attachment arrangements comprises a supporting arm extending rearwardly from the shelter frame towards the respective magnetic holder towards the respective magnetic holder and a magnetic seat which is connected to the supporting arm and extended to magnetically attach the respective magnetic holder of the primary spectacle frame so as to securely mount the shelter frame in front of the primary spectacle frame.

8. The Strube's patent **does not** suggest any **magnetic holders provided at the two nose supports** of its primary spectacle frame for the magnetic seat connected to the supporting arm of the shelter frame to magnetically attach thereto so as to mount the shelter frame in front of the primary spectacle frame. The Strube's patent describes a magnetic clip-on bridge formed with two U-shaped lateral brackets to receive a respective lens and a magnet disposed to magnetically attach the clip-on bridge to the bridge assembly of the pair of eyeglasses.

9. Strube merely discloses (column 4, lines 3-6) the bridge assembly 3 also carries two nose pads 5 which are attached to respective frame wire stubs that originate front the bridge and project downward. In addition, Strube teaches (column 4, lines 40-43) the bridge assembly 3 has two magnets 15, 16 incorporated in bores formed in the bridge. The clip-on bridge 13 has corresponding magnets 17, 18. Throughout the description and drawings of Strube's patent, there is a structural description of the bridge assembly to distinguish the bridge from the nose pad. The main objective of Strube's patent is to introduce the concept of disposing the magnet on the bridge of the bridge assembly so that the clip-on bridge can be magnetically mounted on the bridge. In order to achieve the main objective of Strube's patent, there is nothing to do with the nose supports. Therefore, Strube's patent does not suggest any relationship between the nose supports and the magnetic attraction with the magnetic seats. In other words, it is a totally different conception between Strube's patent and the instant invention.

10. The Examiner rejected claims 1 to 19 under 35USC102(e) as being clearly anticipated by Huang (2002/0140897), but the Huang's application fails to anticipate the following distinctive structural features:

(i) **two magnetic holders, each having magnetic attraction ability, which are provided at said two nose supports respectively** (as claimed in claim 20);

(ii) each of the magnetic attachment arrangements comprising a supporting arm extending rearwardly from the shelter frame towards the respective magnetic holder towards the respective magnetic holder and a magnetic seat which is connected to the supporting arm and extended to magnetically attach the respective magnetic holder of the primary spectacle frame so as to securely mount the shelter frame in front of the primary spectacle frame (as claimed in claim 20);

(iii) each of the nose supports comprises a nose supporting member rearwardly extended from the frame body and a nose piece connected to a rear end of the nose supporting member, wherein each of the magnetic holders is provided at a front end of the nose supporting member at an outer side thereof to face towards the respective magnetic holder (as claimed in claim 21);

(iv) the supporting arms being integrally extended from the two inner sides of the shelter frame respectively, wherein the magnetic seats are provided on two outer sides

of the supporting arms to align with the magnetic holders respectively so as to magnetically attach the magnetic seats with magnetic holders respectively when the shelter frame of the detachable shelter frame is detachably mounted in front of the frame body of the primary spectacle frame (as claimed in claim 22);

(v) wherein each of the magnetic seat comprises a magnetic housing embedded into the outer side of the respective supporting arm and a magnet mounted in the magnetic housing, wherein each the magnetic seat is made of non-magnetic material and is arranged to face toward and align with the respective magnetic holder of the frame body when the detachable shelter frame is mounted in front of the primary spectacle frame (as claimed in claim 23);

(vi) wherein each of the magnets has a thickness smaller than a depth of the respective magnetic housing so as to define an engaging groove therein when the magnet is embedded in the magnetic housing in such a manner that each the magnetic holder is arranged to receive in the respective engaging groove when the magnetic seat is magnetically attached the respective magnetic holder (as claimed in claim 24);

(vii) a clip bridge being extended between the two auxiliary lenses to securely clip on the primary bridge of the frame body when the detachable shelter frame is mounted in front of the primary spectacle frame (as claimed in claims 25-26 and claims 32-33);

(viii) wherein each of the nose supports comprises a nose supporting member rearwardly extended from the frame body and a nose piece connected to a rear end of the nose supporting member, wherein each of the magnetic holders is provided on the rear end of the respective nose supporting member at a front side thereof (as claimed in claim 27);

(ix) wherein the supporting arms are rearwardly extended from the two inner sides of the shelter frame respectively, wherein the magnetic seats are provided on two rear ends of the supporting arms to align with the magnetic holders respectively so as to magnetically attach the magnetic seats with magnetic holders respectively when the shelter frame of the detachable shelter frame is detachably mounted in front of the frame body of the primary spectacle frame (as claimed claim 28);

(x) wherein each of the magnetic seat comprises a magnetic housing rearwardly extended from the rear end of the respective supporting arm and a magnet mounted in the magnetic housing, wherein each the magnetic seat is made of non-magnetic material and is arranged to face toward and align with the respective magnetic holder of the frame body when the detachable shelter frame is mounted in front of the primary spectacle frame (as claimed in claim 29); and

(xi) Claim 30 (new): wherein the two supporting arms are inwardly extended from the shelter frame of the detachable shelter frame, wherein a distance between the two auxiliary lenses where the two supporting arms extended is wider than a distance between the magnetic holders of the frame body of the primary spectacle frame (as claimed in claims 30-31).

11. Indeed, the only mention of nose supports and how to incorporate the nose supports to engage with the magnetic seats of the shelter frame for mounting the shelter frame in front of the primary spectacle is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in W.L. Gore and Associates v. Garlock, Inc., 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

12. The applicant further submits that "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). In fact, it is apparent to person who skilled in the art of spectacles that the nose supports is the means for supporting the spectacle frame on the nose of the wearer, so that it should be the means disposed between the wearer's nose and the spectacle frame which generally includes the bridge extended between the lens rims. Practically, each of the nose supports comprises a nose supporting member rearwardly extended from the frame body and a nose piece connected to a rear end of the nose supporting member for sitting at a side of the wearer's nose. The magnetic holders are provided at the nose supporting arms respectively.

13. Accordingly, applicants believe that both Strube's patent and Huang's application fail to suggest or anticipate any concept of taking use of the nose supports to magnetically incorporate with the magnetic seats of the shelter frame and the rejection of claims 1-19 under 35U.S.C.102(e) is improper and should be withdrawn.

**The Cited but Non-Applied References**

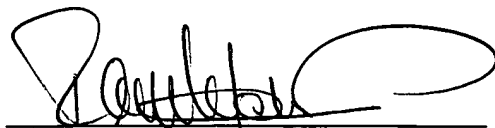
14. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

15. A check in an amount of US\$55.00 is submitted herewith to pay the statutory disclaimer fee. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

16. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 20-33 at an early date is solicited.

17. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



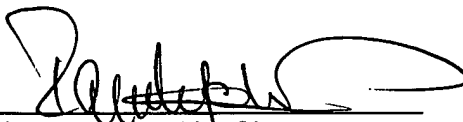
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### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: August 10, 2004

Signature:   
Person Signing: Raymond Y. Chan